

House Bill 1057

By: Representatives Mills of the 25th and Rice of the 51st

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated,
2 relating to prestige license plates for certain persons and vehicles, so as to provide for a
3 special license plate promoting child abuse prevention; to provide for a portion of the
4 revenue to go to the Foster Family Foundation of Georgia; to provide for purposes, design,
5 applications, fees, issuance, revenues, renewals, and transfers; to provide for related matters;
6 to provide an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
10 prestige license plates for certain persons and vehicles, is amended by adding a new Code
11 Section 40-2-86.18 to read as follows:

12 "40-2-86.18.

13 (a) In order to promote child abuse prevention there shall be issued beginning July 1, 2007,
14 special license plates under this Code section.

15 (b) The commissioner shall design, in cooperation with supporters of this license plate, a
16 special distinctive license plate appropriate for the purposes provided by this Code section.

17 Such special license plate shall be of the same size as general issue motor vehicle license
18 plates and shall include a unique design and an identifying number of not more than six
19 digits. No two recipients shall receive identically numbered plates. Such design shall not
20 include a space for a county name decal but shall instead bear the legend 'Prevent Child
21 Abuse' in lieu of the name of the county of issuance. The graphic on the special license
22 plate shall be placed to the left of the alphanumeric characters and shall be no larger than
23 three inches by three inches.

24 (c) Notwithstanding the foregoing provisions of this Code section, this Code section shall
25 not be implemented until such time as the State of Georgia has, through a licensing

1 agreement or otherwise and at no cost to the state, received such licenses or other
2 permissions as may be required or as may otherwise be necessary or appropriate to
3 implement this Code section. No royalty, license fee, or other moneys shall be paid to any
4 organization or its licensor for the use by the state of such logo or design on license plates
5 authorized by this Code section. The commissioner may charge fees, take other actions,
6 and agree to or impose terms and conditions which might normally be envisioned in
7 licensing and cross-licensing agreements for the use of designs and similar intellectual
8 property. Without limitation, the commissioner may agree to allow to others the exclusive
9 or nonexclusive use of the design of the special license plate. The design of the special
10 license plate, excepting only any part of the design owned by others and licensed to the
11 state, shall be owned solely by the State of Georgia for its exclusive use and control, except
12 as authorized by the commissioner. The commissioner may take such steps as may be
13 necessary to give notice of and protect such right, including the copyright. However, such
14 steps shall be cumulative of the ownership and exclusive use and control established by this
15 subsection as a matter of law and no person shall reproduce or otherwise use such design,
16 except as authorized by the commissioner.

17 (d) Beginning on July 1, 2007, any Georgia resident who is the owner of a motor vehicle,
18 except a vehicle registered under the International Registration Plan, upon complying with
19 the motor vehicle laws relating to registration and licensing of motor vehicles and upon the
20 payment of a manufacturing fee of \$25.00 in addition to the regular motor vehicle
21 registration fee shall be issued a license plate supporting prevention of child abuse.
22 Revalidation decals shall be issued for such license plates in the same manner as provided
23 for general issue license plates.

24 (e) An applicant may request a license plate supporting prevention of child abuse at any
25 time during the applicant's registration period. If such a license plate is to replace a current
26 valid license plate, such license plate shall be issued with appropriate decals attached.

27 (f) The manufacturing fee derived from the sale of child abuse prevention license plates
28 shall be apportioned as follows: \$2.00 to the department, \$13.00 to be deposited into the
29 general fund, and \$10.00 to the Foster Family Foundation of Georgia for the development
30 of programs to help victims of child abuse as provided by Article III, Section IX, Paragraph
31 VI(n) of the Constitution.

32 (g) No special license plate authorized pursuant to this Code section shall be issued except
33 upon the receipt by the department of at least 1,000 applications. The special license plate
34 shall have an application period of two years after July 1, 2007, for payment of the
35 manufacturing fee. After such time if the minimum number of applications is not met, the

1 department shall not continue to accept the manufacturing fee, and all fees shall be
2 refunded to applicants.

3 (h) The department shall not be required to continue to manufacture the special license
4 plate if the number of active registrations falls below 500 registrations at any time during
5 the period provided in subsection (b) of Code Section 40-2-31. A current registrant may
6 continue to renew such special license plate during his or her annual registration period
7 upon payment of an additional \$25.00 annual special tag fee which fee shall be collected
8 by the county tag agent at the time of collection of other registration fees and shall be
9 remitted to the state as provided in Code Section 40-2-34. The department may continue
10 to issue such special license plates that it has in its inventory to assist in achieving the
11 minimum number of registrations. If the special license plate falls below 500 active
12 registrations at any time during the period provided in subsection (b) of Code Section
13 40-2-31, the department must receive 1,000 applications accompanied by the
14 manufacturing fee to continue to manufacture the license plate.

15 (i) Prevention of child abuse license plates shall be transferred from one vehicle to another
16 vehicle in accordance with the provisions of Code Section 40-2-80.

17 (j) Prevention of child abuse license plates shall be issued within 30 days of application
18 once the requirements of this Code section have been met."

19 SECTION 2.

20 (a) This Act shall become effective on January 1, 2007, except as otherwise provided in
21 subsection (b) of this section.

22 (b) If an amendment to the Constitution of the State of Georgia authorizing the donation of
23 revenue from sales of special license plates to the Foster Family Foundation of Georgia is
24 not ratified at the general election in 2006, this Act shall be repealed in its entirety on January
25 1, 2007, and no such motor vehicle license plates shall be issued pursuant to this Act.

26 SECTION 3.

27 All laws and parts of laws in conflict with this Act are repealed.